



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,990	03/13/2001	Jin Soo Lee	24286/81651	9375

37803 7590 01/31/2007
SIDLEY AUSTIN BROWN & WOOD LLP
555 CALIFORNIA STREET
SUITE 2000
SAN FRANCISCO, CA 94104-1715

EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
----------	--------------

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/803,990	Applicant(s) LEE ET AL.	
	Examiner Justin E. Shepard	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39,41-48,50-54 and 56-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39,41-48,50-54 and 56-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/4/06 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39, 41-44, 46-48, 50-52, 54, and 56-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozer.

Referring to claim 39, Ozer discloses a computer-implemented method for processing information related to multimedia consumption (column 4, lines 51-58), the method comprising:

collecting information about consumption of multimedia content, the collected information identifying a user action related to consumption of content in a multimedia program (figure 3) that is identified by a program identifier (column 7, lines 41-52); and

storing a usage history including a user action list that includes a user action item corresponding to the user action (column 13, lines 5-9), the user action item including the program identifier (column 7, lines 41-52) and a reference to a content description that is related to the multimedia program and is separate from the user action list (figure 4; column 11, lines 2-8).

Claims 48 and 54 are rejected on the same grounds as claim 39.

Referring to claim 41, Ozer discloses a method of claim 39, wherein the program identifier includes a title of the multimedia program (column 11, lines 53-55).

Referring to claim 42, Ozer discloses a method of claim 39, wherein the user action item specifies an action time identifying a time of occurrence for the user action (figure 4, part 410).

Claims 50 and 56 are rejected on the same grounds as claim 42.

Referring to claim 43, Ozer discloses a method of claim 39, wherein the usage history specifies an observation period defining a time period for recording multimedia consumption (column 8, lines 64-65).

Claims 51 and 57 are rejected on the same grounds as claim 43.

Referring to claim 44, Ozer discloses a method of claim 39, wherein the reference to the content description includes a link to the content description (column 11, lines 2-8).

Claims 52 and 58 are rejected on the same grounds as claim 44.

Referring to claim 46, Ozer discloses a method of claim 39, wherein the content description specifies an actor of the multimedia program (figure 4).

Referring to claim 47, Ozer discloses a method of claim 39, wherein the content description specifies a director of the multimedia program (figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer.

Referring to claim 45, the examiner takes Official Notice that it is notoriously well known in the art to use a URL to link files in a database.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add URL database file linking to the system disclosed by Ozer. The motivation would have been that using a predefined data structure, such as an URL, would cut down on development costs.

Claim 53 is rejected on the same grounds as claim 45.

Claims 59-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Schaffer.

Referring to claim 59, Ozer does not disclose a method of claim 39, further comprising: using the usage history to generate user preference information including a user preference item and a preference value corresponding to the user preference item.

Schaffer discloses a method of claim 39, further comprising: using the usage history to generate user preference information including a user preference item and a preference value corresponding to the user preference item (column 2, lines 64-66; column 3, lines 13-15; figure 4).

At the time of the invention it would have been obvious to one of ordinary skill in the art to add the user preference value taught by Schaffer to the system disclosed by

Ozer. The motivation would have been to allow the user preference to be updated without requiring a large amount of storage (Schaffer: column 3, lines 4-7).

Claims 62 and 63 are rejected on the same grounds as claim 59.

Referring to claim 60, Ozer does not disclose a method of claim 59, further comprising: updating the user preference information based on the usage history.

Schaffer discloses a method of claim 59, further comprising: updating the user preference information based on the usage history (column 2, lines 64-66; column 3, lines 13-15; figure 4).

At the time of the invention it would have been obvious to one of ordinary skill in the art to add the user preference updating taught by Schaffer to the system disclosed by Ozer. The motivation would have been to allow the user preference to be updated without requiring a large amount of storage (Schaffer: column 3, lines 4-7).

Claim 64 is rejected on the same grounds as claims 39, 59 and 60.

Claim 65 is rejected on the same grounds as claim 41.

Claim 66 is rejected on the same grounds as claim 44.

Claim 67 is rejected on the same grounds as claim 45.

Referring to claim 61, Ozer does not disclose a method of claim 59, wherein the user preference item corresponds to at least a portion of the content description, and using the usage history to generate the user preference information includes using the reference to the content description.

Schaffer discloses a method of claim 59, wherein the user preference item corresponds to at least a portion of the content description, and using the usage history to generate the user preference information includes using the reference to the content description (column 2, lines 64-66; column 3, lines 13-15; figure 4).

At the time of the invention it would have been obvious to one of ordinary skill in the art to add the user preference corresponding to the content description, as taught by Schaffer, to the system disclosed by Ozer. The motivation would have been to allow the user preference to be updated without requiring a large amount of storage (Schaffer: column 3, lines 4-7).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600